

## DISCIPLINARY PROCEDURES AND GRIEVANCE MANAGEMENT IN THE NIGERIAN CIVIL SERVICE: AN APPRAISAL

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### ABSTRACT

Breach of the terms of employment and organizational policies by employees and the corresponding response of employers through the application of established disciplinary measures sometimes ignite certain adverse outcomes such as reduced productivity decreased employee morale, workplace conflicts, erosion of organizational harmony, legal risks in terms of lawsuits or actions by labour unions or regulatory bodies. It is against this backdrop that this paper sought to appraise disciplinary procedures and grievance management in the Nigerian civil service. The paper adopted the historical descriptive methods. The organizational justice theory was deployed as its major theoretical guide. The findings of the study revealed that the timely utilization of appropriate grievance management mechanisms play a dominant role in lessening the negative effects of disciplinary actions in the Nigerian civil service. It was also found out that many civil servants are largely uninformed of the provisions of the rules governing their employment since they do not even have copies of the Public Service Rules. Accordingly, the paper recommended that the Federal Civil Service Commission (FCSC) should strengthen the existing grievance management channels and undertake periodic sensitization of federal civil servants on the provisions of the Public Service Rules with the view to getting them acquainted with the rules.

**Keywords:** *Disciplinary procedures, grievance management, conflicts, organizational justice*

## INTRODUCTION

The employer- employee relationship is governed by the contract of employment which is embedded in rules and regulations as encapsulated in the enabling instruments of the organization(s) concerned whether as conditions of service handbooks, circulars or labour-related legislations like the Labour Act. Even the most regulated and well-disciplined organization encounters the prospect of discipline at some stage. It may be a simple case of poor attendance or it may be an allegation of sexual harassment or theft (Parkin, 2009). The essence of rules at the workplace whether in the public or private sector cannot be overemphasized as they are required to curb the lawless propensity of humans and institute a culture of discipline for a smooth working relationship among employees and the realization of organizational goals. Discipline is of immense value to any organization and the stability of an organization depends to a large extent on how wrong doings and nonconformity to standards are handled and unacceptable conduct penalized. It is on this basis that rules and regulations governing every employment are published and disciplinary procedures enshrined in the conditions of service handbooks (Dike, 2007).

In order to ensure an atmosphere of fairness and due process as well as guarantee organizational stability, it becomes conventional for organizations to institute mechanisms or channels for the redress or resolution of grievances arising from disciplinary actions that some employees may be dissatisfied with (Etim & Uford, 2019; Uford, Effiong & Charles, 2023). In addition, grievance at the workplace may concern wages, employee advancement or general working conditions (Atairet & Ndaeyo, 2022, Mamoria & Ganker, 2010). Considering the impact of the adverse effect of disciplinary action(s) on employees, it behoves every organization to institute grievance management channels with the view to redressing grievances, which if left unresolved, may jeopardise congenial employer-employee relations and organizational harmony (Uford, 2017). Demonstration of such gesture in a work environment attest to the premium placed on workers welfare by the employer because workers' welfare extends to respect for the personality of the workers and humane treatment for them (Sinha et al., 2009, Tom & Ndaeyo, 2024,).

In light of the foregoing realization of the premium of employers' role in the management of employee grievances, the Nigerian civil service has made elaborate provisions in this regard. Specifically, the Public Service Rules, (2021) has provided for petitions and appeals in Chapter 11, This provision entitles certain categories of aggrieved employee to seek redress up to the office of the President of the country. However, strict adherence to the procedures must be ensured before one's eligibility to appeal thus far. It is instructive to note that the present Public Service Rules have been adopted by all the states in Nigeria with very slight changes in the Civil Service Rules of the different states. The changes affect issues like financial emoluments paid differently by different states to their respective civil servants, numbering of the rules and matters on the Exclusive Legislative List of the 1999 Constitution (Umofia, 2005). This paper aims at appraising the impact of disciplinary procedures on grievance management in the Nigerian civil service

## THEORETICAL FRAMEWORK

### Organizational Justice Theory

This study adopted the organizational justice theory as the theoretical guide. Organizational justice theory was propounded by Jerald Greenberg in 1987 in his book titled, "A Taxonomy of

Organizational Justice Theories''. The theory serves as a framework that explores how employees perceive fairness at the workplace and how such perceptions influence their behaviours. Organizational justice theory originated from the fields of social psychology and organizational behaviour and is relevant in explaining motivation, satisfaction and performance among employees. The theory opines that employees crave for fairness at the workplace and responds with displeasure to perceived acts of injustice and breaches of terms of employment Furthermore, the theory posits that fair treatments results in increased satisfaction and enhanced performance. Conversely, administrative injustice or unfairness at the workplace culminate to dysfunctional outcomes and withdrawal Greenberg explained how employees perceive the fairness of their workplaces. It examines the different types of fairness, including distributive, procedural, interactional and restorative justice. Organizational justice is seen as an employee's perception of the fairness of resource allocation in an organization. Justice in this context refers to management decisions and actions that are morally right in accordance with ethical standards. Religion or law. Justice in an organization can pertain to financial and non - rewards such as fair play and incentives, equal opportunities for promotion as well as performance evaluation procedures. Therefore, the term 'organizational' justice can refer to employees' perception of the extent to which management decisions and actions are fair. This perception, in turn can influence employees' attitude towards management. (Yusuf, 2015).

The relevance of the organizational justice theory to the study of disciplinary procedures and grievance management in the Nigerian civil service is embedded in the fact that disciplinary procedures in different organizational settings including the Nigerian civil service can generate unpleasant dispositions among employees which makes it imperative for grievance management mechanisms to be instituted and constantly applied whenever aggrieved employees express their grievances .Again, the choice of organizational justice theory is suitable for this work because in the Nigerian civil service , there are established channels or mechanisms for grievance redress which ensure consistent disciplinary procedures. It is against this backdrop that the Nigerian Public Service Rules provides avenues for appeals to higher authorities in the event of perceived acts of injustice not satisfactorily addressed at lower levels.

## **THE CIVIL SERVICE**

The civil service is the administrative machinery established by the government to implement its policies and programmes. It is an organized body of persons who are employed on permanent basis into the ministries and departments of government with the mandate of implementation of public policies. It encompasses a group of knowledgeable and skillful personnel who are competent to undertake the formulation and implementation of government policies (Dike, 2007). The civil service enjoys a continuity of service and includes the ministries, departments and agencies and the personnel who work in them. Implicitly, the civil service exists as long there is the existence of government in the state. The bulk of government decisions and actions are influenced and determined by the civil service.

The Nigerian civil service is fashioned after the British civil service. British influence on the Nigerian civil service as a consequence its colonial heritage is evidenced by the rules that governed the official conduct and welfare of civil servants which were referred to as "General Orders" popularly known as the "G.O." for Nigerian civil servants. The same "G. O." was otherwise referred to as "Regulations" which applied to officers in the entirety of public service in the

Nigerian Foreign Service. Therefore, the present Public Service Rules of 2021 originated from the General Orders. It is instructive to note that the Public Service Rules has been adopted by all states of the Federation of Nigeria as their respective states' civil service rules (Umofia, 2005)

The civil service of the Federation means the service of the Federation in a civil capacity and include staff of the offices of the president, vice president, ministries and extra – ministerial offices of the Government of the Federation assigned with the responsibility for any business of the government of the Federation. It is a body or organ which enjoys continuity of existence, with hierarchical structure, anonymity, permanence and political neutrality (Mbon, et al, 2025).

### **Disciplinary procedures in the Nigerian civil service**

Discipline is inevitable in any organizational setting and helps to check excesses and recalcitrance. The Public Service Rules is the major legal framework that prescribes procedures for disciplining erring civil servants. In other words, disciplinary procedures in the Nigerian civil service are governed primarily by the Public Service Rules (2021) and other related sources such as circulars, Civil Service Handbook and other sources. The civil service is an indispensable mechanism for the implementation of government policies and programmes because it is only within its framework that government policies and programmes are translated into outputs like services for the people, Disciplinary procedures exemplify a set of formal measures and actions undertaken by employers to handle employee breaches of the rules and policies of an organization. Disciplinary procedures may be invoked to deal with employees who fail to observe the rules of conduct or perform unsatisfactorily. They are not punitive by nature but are primarily corrective and preventive. They are part of a broader human resource management framework designed to ensure fairness, transparency and consistency in enforcing workplace rules (Armstrong, 2020, Dessler, 2020). Employee failure to measure up to performance standards may also account for these procedures aimed at ensuring compliance with organizational rules and standards. Disciplinary procedures serve the purpose of correcting employee actions, deterrence, and fairness. It affords employers legal protection by ensuring that disciplinary actions are documented and justified (Redman & Wilkinson, 2013).

### **Disciplinary Process in The Nigerian Federal Civil Service**

The Federal Civil Service Commission (FCSC) is the agency vested with the mandate to make appointments, transfers, and exercise discipline over federal civil servants. In accordance with Sections 030302 to 0303060 of the Public Service Rules (2021), the disciplinary procedures in the civil service include initial notification and query, officer's representation, escalation, inquiry and fair hearing, decision and communication and appeals.

#### **Initial Notification and Query**

Here, a superior officer informs a subordinate of unsatisfactory behaviour in writing providing particulars and requesting a written representation within a specific time frame. In other words, the superior officer issues a query, stating the particular breach or violation and requesting the employee's defence within a specified duration.

#### **Representation**

The queried officer is expected to reply in writing within the stipulated time frame. If the reply is satisfactory, the matter ceases and the officer is exonerated from any disciplinary action.

### **Escalation**

At this level, if not resolved, the matter is referred to higher level for further action in matters of serious magnitude. In most cases, such matters are referred to the Permanent Secretary to the Federal Civil Service Commission or disciplinary committee.

### **Inquiry and Fair Hearing**

This involves the conduct of a formal fair hearing with invitation extended to the officer to appear within 72 hours. The disciplinary committee is expected to compile findings and recommendations.

### **Decision and Communication**

The disciplinary authority reviews the findings and recommendations and either confirms or varies such recommendations. It is instructive to note that the entire disciplinary procedures must be completed within 60 days.

### **Appeals**

The officer is entitled to appeal to the Federal Civil Service Commission within six weeks. It is pertinent to note that in disciplinary proceedings as outlined above, the rules of natural justice especially as it concerns the requirement of fair hearing must be strictly adhered to as non-compliance may turn the tide against the employer who may incur lawsuits.

### **Acts Of Misconduct as Basis for Disciplinary Proceedings in the Nigerian Civil Service**

Civil servants are required to uphold the highest standards of conduct, probity and integrity in discharging their public duties as well as their private lives. They are liable to disciplinary actions if they fail to observe any government regulations or official instructions, misconduct themselves in any manner or commit a criminal offence. The civil service has instituted a well-established disciplinary system where allegations of misconduct are promptly investigated and disciplinary sanctions imposed accordingly. However, actions that warrant disciplinary proceedings against erring officers are codified as misconduct. For instance, in the Nigerian civil service, breaches of the Public Service Rules are construed as misconduct, serious misconduct and conduct prejudicial to the security of the state. According to Rule 101301 of PSR (2021), misconduct is defined as a specific act of wrongdoing or an improper behaviour which is inimical to the image of the service and which can be investigated and proved. It can lead to termination and retirement. It includes:

- (a) Scandalous conduct such as;
  - i) Immoral behavior;
  - ii) unruly behavior;
  - iii) Drunkenness;
  - iv) Foul language;
  - v) Assault;
  - vi) Battery;
- (b) Refusal to proceed on transfer or to accept posting;
- (c) Habitual lateness to work;
- (d) Deliberate delay in treating official document;
- (e) Failure to keep records;
- (f) Unauthorized removal of public records;
- (g) Dishonesty;

- (h) Negligence;
- (i) Stealing on duty;
- (j) Improper/inappropriate/ immodest dressing while on duty;
- (k) Hawking merchandise within office premises;
- (l) Refusal to take/carry out lawful instructions from superior officers;
- (m) Malingering;
- (n) Insubordination; and
- (o) Discourteous behavior to the public.

### **Serious Misconduct**

Serious misconduct is a specific act of very serious wrongdoing and improper behavior which is inimical to the image of the service and which can be investigated and if proven, may lead to dismissal. Acts of serious misconduct include;

- (a) Falsification of records;
  - (b) Suppression of records
  - (c) Withholding of files
  - (d) Conviction on a criminal charge (other than a minor traffic or sanitary offence or the like)
  - (e) Absence from duty without leave
  - (f) False claims against Government officials
  - (g) Engaging in partisan political activities
  - (h) Bankruptcy
  - (i) Serious financial embarrassment
  - (j) Unauthorized disclosure of official information
  - (k) Bribery
  - (l) Corruption
  - (m) Embezzlement
  - (n) Misappropriation
  - (o) Violation of oath of secrecy;
  - (p) Actions prejudicial to the security of the state;
  - (q) Advance Fee Fraud( Criminal Code 419);
  - (r) Holding more than one full time paid job;
  - (s) Nepotism or any other form of preferential treatment;
  - (t) Divided loyalty;
  - (u) Sabotage;
  - (v) Willful damage to public property;
  - (w) Sexual harassment;
  - (x) Rape;
  - (y) Cyber fraud/crime;
  - (z) Membership of cults; and
  - (aa) Any other act unbecoming of a public Officer
- Source: *Public Service Rules (2021)*

### **Conduct Prejudicial to the Security of the State**

The last classification of misconduct as acknowledged by the PSR, 2021 in Rule 100501 is conduct prejudicial to the security of the state. The rule states that where a committee comprising members

from the Federal Ministry of Justice, Office of the Head of Service of the Federation is satisfied that an officer has committed a misconduct involving the security of the state or prejudicial to it, the officer will be subject to the normal disciplinary procedures provided that the punishment for such misconduct shall be aggravated.

### **Grievance Management**

Grievance management refers to the systematic and procedural process enshrined in statutes, conditions of service handbooks, guidelines extant circulars and other sources by which employers or the management handle complaints raised by employees regarding their terms of employment, breach of organizational rules, working conditions, unfair labour practices, hostile work conditions amongst others. Grievance may originate from denial of promotion, wrong placement, excessive workload, interpersonal conflicts, disciplinary action meted on the employees considered as arbitrary. The existence of an effective grievance management mechanism is essential for maintaining industrial harmony, improving employee morale and enhancing organizational efficiency. A grievance is a formal complaint raised by the employee towards an employer within the workplace and it arises when there is a discrepancy between what employees expect and what they experience in the workplace (Armstrong, 2020). An employee grievance relates to any dissatisfaction or feeling of injustice that an employee experiences in relation to their working environment, job descriptions or responsibilities, interpersonal relationships or workplace regulations. In the view of Dessler (2020), grievance is defined as a formal complaint raised by an employee towards an employer regarding an alleged violation of workplace policy, contract or terms of employment. Workplace grievances are often a result of perceived inequities in terms of treatment, processes, or outcomes (Noe et al, 2021). Grievance may be caused by discriminatory treatment, work conditions (health and safety concerns), wages and benefits (delayed payment or inappropriate compensation, infraction of employment contract, amongst others. Workplace grievances are often a result of perceived inequities in terms of treatment, processes, or outcomes. It is instructive to note that poor handling of grievances generates resentment, reduced productivity and increased turnover (ILO, 2019).

### **CONCLUDING REMARKS AND RECOMMENDATIONS**

The fair application of disciplinary actions at the workplace accelerates the realization of organizational goals by reinforcing standards and securing acceptable behavior. The Nigerian civil service has instituted a legal framework represented by the Public Service Rules, 2021, circulars, the Labour Act, civil service handbook, amongst other sources all aimed at guaranteeing effective disciplinary procedures and grievance management as essential pillars for the sustenance of administrative justice and enhancement of employee morale. Fair administration of discipline and timely handling of grievances generate trust and accountability at the workplace. Nevertheless, the Nigerian civil service continues to encounter some constraints on disciplinary matters and grievance management. Based on these issues, the paper recommends that the Federal Civil Service Commission should strengthen the existing grievance management mechanisms and undertake periodic sensitization of federal public servants on the provision of the Public Service Rules with the view of getting them acquainted with its provisions.

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